

**11—53.12(8A) Years of service incentive program.** This termination incentive program is provided for in Iowa Code Supplement section 70A.38. To be eligible to participate in this program, an employee must have completed at least ten years of credited service as of the date of termination of employment.

**53.12(1) Definitions.** For purposes of this program:

*“Credited service”* means service in a retirement system as defined in Iowa Code sections 97B.1A and 97A.1, including buy-back or buy-in service. Length of credited service shall be as calculated by the respective retirement system, pursuant to each system’s respective rules and regulations.

*“Employee”* means an employee of the executive branch of state government, including an employee of a judicial district department of correctional services or the department of justice. However, “employee” does not mean an employee of the state board of regents or an elected official.

*“Employer”* means a department, agency, board, or commission within the executive branch of state government.

*“Participant”* means an eligible employee selected by the employer who agrees to participation, who is approved for participation, and who receives a termination incentive.

*“Program”* means the years of service incentive program established in Iowa Code Supplement section 70A.38.

*“Regular annual salary”* means (1) for full-time employees, an employee’s regular biweekly salary on the date of termination, multiplied by 26; or (2) for part-time employees, the cumulative salary received by the employee during the 26 pay periods immediately prior to submission of the employer’s business plan.

*“Termination incentive”* means an amount equal to the lesser of \$250 for every quarter year of credited service of the eligible employee or the regular annual salary of the eligible employee.

**53.12(2)** As a condition of participation in this program, participating employees shall, in writing, on forms developed by the department:

*a.* Waive all rights to file suit against the state of Iowa, including all state departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship;

*b.* Acknowledge that, as a participant in the program, the employee waives any right to accept permanent employment with the state of Iowa other than as an elected official or as an employee of the state board of regents;

*c.* Agree to separate from employment with the state by the date agreed upon by the eligible employee and the employer, consistent with the approved business plan.

**53.12(3)** Prior to offering this incentive program to eligible employees, the employer must receive approval from the department and from the department of management. The employer shall submit a business plan, on forms developed by the department, at least 75 days prior to the expected employment termination date. The business plan must justify the offer of the incentive to the proposed participants. The business plan must include:

*a.* The name(s) of each proposed participant, including the length of credited service to confirm eligibility;

*b.* The projected dollar savings to be achieved during the current fiscal year;

*c.* The specific resources or programs the employer seeks to manage differently through the use of the program and how the impacted resources or programs will be affected; and

*d.* The proposed date(s) by which the employer expects to fill the position(s) vacated by the eligible participant(s).

**53.12(4)** If a business plan is approved, the employer may offer the eligible participant(s), in writing, the opportunity to participate in the program. The employer may rescind an offer to participate in the program at any time prior to an eligible employee’s acceptance of a written offer to participate in the program. The written notice shall include:

*a.* A date by which the offer must be accepted or rejected;

*b.* A proposed date for termination of the participant’s employment; and

*c.* A written release and acknowledgment signed by the participant agreeing to participate in the program.

**53.12(5)** Participants in the program shall receive, upon termination, a lump sum termination incentive as described in 11 IAC 53.12(1).